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Country Report

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Report Highlights:

This report contains updated information on: food laws, labeling requirements, food additive regulations, pesticide and other contaminants, other regulations and requirements, other specific standards, trademark laws and import procedures.

Includes PSD changes: No
Includes Trade Matrix: No
Annual Report
Guatemala [GT1], ES

EL SALVADOR: FOOD IMPORT REGULATIONS AND STANDARDS**Last Updated: NEW****Section(s) Last Updated: NEW**

DISCLAIMER: This report has been prepared by the Office of Agricultural of the USDA/Foreign Agricultural Service in (San Salvador, El Salvador) for U.S. exporters of domestic food and agricultural products. While every possible care has been taken in the preparation of this report, information provided may be no longer complete nor precise as some import requirements are subject to frequent change. It is highly recommended that U.S. exporters ensure that all necessary customs clearance requirements have been verified with local authorities through your foreign importer before the sale conditions are finalized. **FINAL IMPORT APPROVAL OF ANY PRODUCT IS ALWAYS SUBJECT TO THE RULES AND REGULATIONS AS INTERPRETED BY THE COUNTRY OF IMPORT AT THE TIME OF PRODUCT ENTRY.**

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A. FOOD LAWS

El Salvador does not have an specific Food Law that applies to imported foodstuffs. Instead, the Health Code is the most widely used instrument to enforce local food safety. The Ministry of Public Health and Social Assistance (MPHSA) is in charge of all registrations and authorizations to import, manufacture, and sell foodstuffs and beverages, as well as any raw materials used in the production process. The most pertinent regulation used to enforce proper health safety when importing foodstuffs is Section 12/Article 88 of the Salvadoran Health Code. This particular article states that in order to import any food or beverages its use must be authorized by a Certificate of Free Sale and Consumption rendered by the Environment Safety Department (DSA) of the MPHSA. Each respective certificate must include the name of the product and its components. Other products such as fresh produce and products of animal origin are regulated by the Plant and Animal Health Division (DGSVA) of the Ministry of Agriculture.

The Government of El Salvador (GOES) has lacked the initiative to design a program geared towards the implementation of food safety laws and its proper enforcement. The main problem has been attributed to limited resources due to the high cost to comply with peace process accords. However, local policy makers are beginning to react to criticism by unsatisfied consumers regarding food safety and quality control. A Consumer Protection Law was ratified by the National Assembly and has been in effect since April 1996. According to the law, the Ministry of Economy through the Consumer Protection Agency (DGPC) will be the entity that will enforce all the dispositions stated in this law.

Most food products are inspected for safety at the port of entry. However, the MPHSA carries out random testings at the retail and wholesale level to make sure that foodstuffs comply with all the required health and quality standards. Nevertheless, many unchecked products manage to reach their final destinations due to lack of human resources and appropriate infrastructure to control illegal distribution channels.

The trend in food safety in El Salvador is for tighter control and more efficient regulations. The tendency is leaning towards the use of Codex Alimentarius norms. Meanwhile, Central American Norms and in some instances FDA norms are being used until Codex norms are revised and adopted.

B. LABELING REQUIREMENTS

The MPHSA requires the following labeling information for all products sold in El Salvador:

1. The label should express the nature of the product, composition, quality, origin and general processing method.
2. Name of the product: must be the specific name.
3. Net Content: It must be expressed in decimal metric system units.
4. Ingredients: They should be listed with their proper names, in decreasing order, according to their importance in the composition of the product. It is no necessary to identify the percentage of each ingredient.
5. Additives: Must be mentioned by the group it belongs to (for example: antioxidant), followed by its specific name and its concentration in the final product.
6. Lot identification and manufacturing date: in order to identify the lot, a code can be used, which must be provided and clarified to the Health authorities. To identify the manufacturing date, 6 digits must be used

- (year, month, and day).
7. Expiration date: When a product has limited life period, it must be declared on the label: "PREFERABLY CONSUME BEFORE", followed by the day and month, for the food products whose duration is more than 3 months, but does not exceed 18 months.
The food products which expire in short periods, should express: "expiration date", with the day and month.
 8. Preservation instructions.
 9. Manufacturer's name: The label must include the manufacturer, importer, dealer, distributor or legal representative of the product, and their respective addresses.
 10. Sanitary Registry: The label must declare the number of Sanitary Registry (Reg. No. D.G.S. El Salvador), issued by the Environmental Health Department, Section of Food Safety of the Ministry of Health.
 11. Country Origin of the product.
 12. The product must contain the name and address of the supplier in El Salvador in the form of a sticker, which is usually provided by the supplier or distributor.

El Salvador's labeling law requires that the product description be in Spanish. There is no enforcement at this time. However, there is potential risk to U.S. exporters that El Salvador may eventually enforce its law and as such U.S. suppliers should be cognizant of this requirement.

In order to define if a product can be imported with only the standard U.S. label, it would be necessary to examine U.S. labeling norms and compare them to the general norms of the Codex Alimentarius for labeling of foodstuffs. The National Council for Science and Technology (CONACYT) is currently working on labeling regulations based on the Codex. Due to lack of resources the GOES has not enforced this policy and food products with U.S. labels can be seen throughout the distribution chain. However, the GOES is momentarily requiring that a sticker in Spanish which includes a list of ingredients, manufacturing method, and expiration date be used while the requirement of Spanish-English labels can be fully implemented.

Stick-on labels are not allowed, since this could lead to consumer fraud. However, this will have to be discussed with the Consumer Protection Agency of the Ministry of Economy.

Labeling regulations are enforced by the MPHSA through the DSA and the Ministry of Economy through the DGPC. All products should be properly labeled prior to distribution for human consumption.

Sample-size product labeling requirements are identical to those listed above. However, local authorities are a bit lenient with this type of products due to the small quantities that are imported. In addition, most samples are sent through private PO boxes and are seldom inspected by the MPHSA.

Bulk packed or institutional size products are required to visibly display the contents and ingredients either in the container or package.

Nutritional labeling is not required by the MPHSA. The U.S. nutrition panel needs to be analyzed by the Nutrition Department of the MPHSA in order to be accepted.

According to local health officials the possibility of consumers being misled by U.S. labels exists. Mainly due

to the fact that since most people don't speak English, they could be basing their opinion on the picture that is used in the label by U.S. manufacturing companies.

The only requirements for shelf-life of a product is the actual expiration date and manufacturing date. The DGSVA requires a country of origin certificate for all products that are imported to El Salvador.

The GOES does not grant any exceptions under the labeling law. However, in extreme cases the MPHSA can analyze a product in order to guarantee consumer health and decide whether that particular product can be imported for human consumption.

Both Uniform Code Council (UCC) and EAN bar codes are acceptable in El Salvador. Bar coding is rapidly becoming an important instrument in the food business. All local supermarket chains signed an agreement to have all of their products coded. The process was handled by the Salvadoran Chamber of Commerce through its Strategic Commercialization Department (DIESCO) and was completed in 1996.

When alcoholic beverages are being imported, the label must read: "the excessive consumption of this product is harmful and creates addiction. Sales to consumers under the age of 18 is prohibited". This is based upon article 26 of the Regulatory law for the provision and commercialization of alcohol and beverages. In the case of Tequila, the following is also required: Area of production, alcohol grade and manufacturing process.

C. FOOD ADDITIVE REGULATIONS

The list of food additives allowed by the MPHSA is based on the additive lists of the Central American Institution for Industrial Research and Technology (ICAITI), the Codex Alimentarius norms and in certain occasions those of the FDA.

The MPHSA allows the use of the following colorants in foodstuffs: Yellow #5, Yellow #6, Blue #1, Blue #2, Red #2, Red #3 and Red #40.

D. PESTICIDE AND OTHER CONTAMINANTS

DGSVA through the Fiscalization and Registration Division is the agency in charge of enforcing all regulations regarding pesticides and their use. By law, no pesticide can be manufactured, formulated, imported or distributed in El Salvador if it hasn't been properly registered. There is no positive or negative residue list at this time. DGSVA takes into consideration maximum tolerances for most pesticides based on Codex tolerances only for registration purposes. Currently, a commission for Codex Alimentarius matters is being created by the GOES. The initiative to control residues has been pushed forward by the private sector using the quality Control Lab of the Salvadoran Foundation for Economic and Social Development (FUSADES) to carry out all necessary tests.

In El Salvador pesticides are regulated by the following:

- 1- Law for pesticide, fertilizer and agricultural products control. Legislative Decree # 315, 04/28/73.
- 2- Regulation for the application of the pesticide control law. Executive Decree # 28, 05/21/80.

In addition, the following accords, norms and international agreements are taken into consideration for pesticide registration and control:

- 1- International Behavior Code for the distribution and use of pesticides (amended in 1989) of FAO.
- 2- Regional accords for the harmonization of pesticide labeling and required procedures for registration and fiscalization.
- 3- FAO specifications for pesticide quality control.
- 4- Tolerance (LMR's) specified in the Codex Alimentarius.

Pesticides must be registered by the Agricultural Safety Department of the MAG. In order to register a pesticide, the following information must be specified:

- a. Scientific and commercial name of the product, quantitative and qualitative formula, structural chemistry, and other necessary information for its complete identification.
- b. Name and address of the person or company that manufactures, imports, or distributes the product.
- c. Certificate of Origin and confirmation of Free Sale in the country of origin.

E. OTHER REGULATIONS AND REQUIREMENTS

In general, most products are subject to lab tests when undergoing routine controls and when the product is registered. The GOES requires that importers be registered with the MPHSA. Importers must also register each product to be imported with the MPHSA to ensure the product is fit for human consumption. A product that is registered undergoes physical, chemical, microbiological and other related tests to determine that it meets minimum health and sanitary standards. Product registration usually takes two to three weeks. Registration of a product, once granted, is valid for five years.

Certificates of Free Sale are required for those imported products not registered with the MPHSA. A certificate of free sale, ideally, is a certificate from an authorized public health agency that stated that the product to be imported meets all health and sanitary requirements of that agency and it is freely sold and consumed in the country of origin. The certificate can include more than one product and is valid for one year. The certificate must be in Spanish or be accompanied by a copy of an official translation which can be provided by the importer. Radiation Certificates are required depending on a products hazard to human health.

Food groups such as baby food, diet foods, and health foods undergo the same required regulations as the rest. In the case of meat zoosanitary regulations are required. These regulations are enforced by DGSA through the Law for Sanitary Inspection of Meat (Executive Decree # 39, 07/13/71). Meat and meat products can be imported from any country whose meat inspection system is equivalent and as efficient as the one established and maintained in El Salvador. Each shipment that contains meat and meat products from a foreign country, must include an official certificate of meat inspection from the country of origin in Spanish. In addition, to obtain the import permit, meat

processing plants must be inspected and certified by a DGSVA inspector. There are no special packaging or container size requirements in El Salvador.

In the past, while all of the above requirements were official government policy, few were actually enforced. Most products were not registered. Importers had been able to import the majority of all processed products with a notarized letter from the manufacturer stating the product is fit for human consumption. Recently, the MPHSA has been enforcing the product registration requirement and does not allow any imported food product into the country without having fulfilled this requirement. Product registration at the MPHSA is free. However, microbiological analysis must be conducted for every food product that needs to be registered. The cost for this analysis range between \$ 50 to \$ 100 per product.

According to the Health Authorities in El Salvador, the following information is required for an exporter to register a product:

- a) An application must be filed at the Environmental Health Department of the Public Health and Social Assistance Ministry (Departamento de Sanidad Ambiental, Ministerio de Salud Publica y Asistencia Social), which shall include the following information:
 - 1. Petitioner's name and address.
 - 2. Description of the product.
 - 3. Name, address and telephone number of the establishment or factory where the product is manufactured.
 - 4. Use that the product will have.
 - 5. Name, address and telephone of the supplier in El Salvador.
- b) This application must be filed with the following documents:
 - 1. Power of attorney granted in favor of the Salvadorean attorneys or the company representative in the country, duly legalized up to the nearest Consulate of El Salvador in the U.S. or by Apostille.
 - 2. The product Registration Certificate of the exporting country, duly legalized up to the nearest consulate of El Salvador or by Apostille.
 - 3. Regarding the product samples, the Environmental Health Department requires 6 samples of the product weighing 200 grams. each and 4 samples of the products which size is of 450 grams each.
 - 4. For liquid products, the Ministry of Health requires 3 samples of the products weighing 750 milligrams and 1500 milligrams and 5 samples for the products which size is of 335 milligrams.
 - 5. A Certificate of free sale of the product, issued by the Health Authorities of the country of origin, duly legalized up to the nearest Salvadorean Consulate or by Apostille. It must contain the product's registration number and the manufacturing state of country.
 - 6. Functioning license of the local warehouse where the product will be stored, usually the local distributor obtains this license.
 - 7. Five label of the product, which shall specify the ingredients of the product and the expiration date.

F. OTHER SPECIFIC STANDARDS

The following table provides the name of the law/legislation and regulatory agencies that affect certain regulations for importation of food products to the local market:

Regulations	Regulatory Agency	Law/Legislation
-Weight & Measures Measures	Ministry of Economy Consumer Protection	Consumer Protection Law
-Food Sanitation	MPHSA	Health Code
-Animal Quarantine	DGSVA	Law for Agricultural Sanitation/1
-Marine Products	MPHSA	Health Code
-Meat & Meat Products	DGSVA	Law for Inspection of Meat Sanitation
-Wine & Alcoholic Beverages	MPHSA/Ministry of Economy	Health Code
-Organic Foods & Health Foods	MPHSA	Health Code

1/ Decree of the Civil/Military Directorate, 02/09/61.

Law is being updated.

Local postal system is not used to send product samples to El Salvador.

G. COPYRIGHT/TRADEMARK LAWS

In El Salvador, international trademarks and brand names are protected under the Law for Encouragement and Protection of Intellectual Property which became effective in October 1993. Trademarks are regulated by the Central American Convention for the Protection of Industrial Property which dates from 1988 and has recently been revised. El Salvador has also joined the Paris Convention and the Berne Convention, both became effective on February 1994. Additionally, El Salvador has approved the World Trade Organization (WTO) and the agreement on the Trade Related Aspects of Intellectual Property Rights (TRIPS).

An individual can acquire exclusive trademark rights by registering a branded product with the Ministry of Economy. The individual can do this without demonstrating an association with the product or manufacturer, or an intention to introduce the product into the market. Consequently, in many cases global trade marks cannot be used without the negotiation with the person who first registered the brand name.

Trademarks are registered at the Ministry of Economy by class according to the international classification of goods and services. Trademark registrations are granted for a period of 10 years and can be renewed indefinitely for similar periods. It is mandatory to record assignments, change of name and address of the registrant, and used licenses affecting trademarks registered in El Salvador.

El Salvador's legal system provides a series of effective actions to combat any illegal procedures regarding trademarks. In order to stop an infringing trademark application from being registered, Oppositions may be filed. Cancelatory actions may be taken against registered infringing marks either within five years after registration or at any time if the mark is not used during three consecutive years. Unfair competition actions can be taken against those who attempt to take unauthorized advantage of trademarks owned by third parties. In addition, preventive seizure of infringing goods is provided as a preliminary relief.

The following information is required to register a trademark or brand name:

- a) Name of product manufacturer.
- b) Address.
- c) List of products that are manufactured under each specific brand.
- d) Brand Logo.
- e) Power of Attorney legally notarized by the nearest Salvadoran Consulate.
- f) Registration Certificate from the country of origin legally notarized by the nearest Salvadoran Consulate.
- g) Once the Power of Attorney has been duly registered in the Salvadoran Product Registration Office, a sworn declaration of adoption for each registered brand is also requested.

El Salvador, Guatemala, Honduras and Nicaragua subscribed a Customs Union Treaty on June 30th, 2000. This treaty states that any product registered in any of the signatory countries will be valid in the rest.

H. IMPORT PROCEDURE

Usually when clearing a product through customs, a Customs inspector, a Customs Policeman, and a MPHSA inspector are involved in the process. English is the commercial language used for import documents. On average, it takes approximately 3 to 5 days to clear a product through customs. Most importers use a customs agent to expedite the clearing procedures. At this time, there is no appeals system in place for disputed product rejections.

The steps in custom clearance for a prepackaged foodstuff are:

1. Request Import Permit from DGSVA.

2. Once the import permit has been granted by DGSVA, the importer must take the sanitary registration, packing list, bill of lading, insurance policy, airway bill, shipping information and product invoices to the Revenue Department at the Ministry of Finance (Ministerio de Hacienda) to get the policy for payment of import tariff.
3. The import policy has to be cleared by Customs, Customs Police and OIRSA (Regional Organization for Agricultural Sanitation).
4. Customs Police conducts an inspection of the product.
5. When product has been cleared by customs police, it can be withdrawn by the importer.

The Ministry of Hacienda implemented in 1998 a system designed to expedite customs procedures. This system called "Teledespacho", uses satellite technology to allow importers/exporters to send their commercial invoices, bills of lading, and airway bills through an electronic link or web to the Salvadoran customs office to be processed. All customs agents will have access to this satellite system through an individual code which will enable them to get in contact with customs. This system is also available to import/export companies that have offices outside El Salvador. These companies can purchase the software that will enable them to get hooked up to the customs satellite system to send their product invoices.

The Teledespacho system will make it possible for merchandise to clear customs 24 hours a day, seven days a week.

In addition to Teledespacho, the GOES has established an "Autoliquidation" process that allows the presentation, assessment, calculation and payment of duties directly by the importer, without physical inspection of the merchandise in 85 percent of the cases. Local businesses, importers and shippers have noticed a big improvement in the operation of Salvadoran customs since the initiation of the above mentioned reforms.

I. APPENDIX A - MAJOR REGULATORY AGENCIES

- | | |
|------------|--|
| 1- Agency: | Ministerio de Salud Pública y Asistencia Social. Departamento de Saneamiento Ambiental |
| Contact: | Mrs. Ana Lilian de Urbina |
| Address: | Alameda Roosevelt, Edificio Laboratorio
Central Dr. Max Bloch, San Salvador. |
| Phone: | (503) 221-0966 Ext. # 105, 271-1300 |
| Fax: | (503) 260-6835 |
| e-mail: | dpsanamb@es.com.sv |

2- Agency: Ministerio de Agricultura y Ganadería.
Dirección General de Sanidad Animal y Vegetal

Contact: Mr. Luis Rafael Arevalo

Address: Final 1 Ave. Norte, Santa Tecla,
La Libertad, El Salvador.

Phone: (503) 288-5220/5252
Fax: (503) 228-9029

APPENDIX B - LOCAL CONTACTS

1- Agency: Ministerio de Economía. Dirección
General de Protección al Consumidor

Contact: Mr. Mario Cruz

Address: Plan Maestro, Centro de Gobierno entre
Calle Guadalupe y Avenida Juan Pablo II,
Edificio C-1 ó C-2, San Salvador.

Phone: (503) 221-3584/281-1122
Fax: (503) 221-3586

2- Agency: Centro para la Defensa del Consumidor

Contact: Mr. José Armando Flores

Address: Urbanización La Florida, Pasaje Las
Palmeras y final Pasaje Los Pinos # 8
San Salvador.

Phone: (503) 260-8612/260-8613
Fax: (503) 260-2621

- 3- Agency: Camara de Comercio e Industria de El Salvador
- Contact: Mrs. Maria del Rosario de Barriere
- Address: 9 Avenida Norte y 5 Calle Poniente, San Salvador.
- Phone: (503) 271-2055/281-6622
- Fax: (503) 271-4461
- 4- Agency: Dirección General de Sanidad Animal y Vegetal. Division de Cuarentena Agropecuaria
- Contact: Dr. Oscar Luis Meléndez
- Address: Final 1 Ave. Norte, Santa Tecla, La Libertad, El Salvador.
- Phone: (503) 288-0083
- Fax: (503) 288-5040
- 5- Agency: Dirección de General Sanidad Animal y Vegetal. Departamento de Inspección de Productos de Origen Animal - IPOA
- Contact: Dr. Mario Cromeyer Milla
- Address: Cantón El Matazano, Soyapango, San Salvador.
- Phone: (503) 294-0580
- Fax: (503) 294-0582

6- Agency: Regional Organization for Agricultural
Sanitation (OIRSA)

Contact: Ing. Edwin Aragón

Address: Final 1a. Avenida Norte y Avenida
Manuel Gallardo, Santa Tecla,
La Libertad, El Salvador.

Phone: (503) 228-7841 / 228-7899

Fax: (503) 228-7823

7- Agency: National Council for Science and
Technology (CONACYT)

Contact: Ing. Evelyn de Vanegas

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San Antonio # 51, San Salvador.

Phone: (503) 226-2800/226-1623

Fax: (503) 225-6255

e-mail: evanegas@conacyt.gob.sv

APPENDIX C - FOOD ADDITIVES LIST

Information not available. Food additives and tolerance levels that can be used are based on Codex Alimentarius norms. Additional information can be obtained from the Central American Institution for Industrial Research and Technology (ICAITI).

APPENDIX D

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